S.B. Cr. Revision Petition No.1026/2006
Madan Lal & Ors.
vs
State of Rajasthan

DATE OF ORDER : 17.1.2007

HON'BLE JUSTICE SHRI G.S. SARRAF

Shri Rakesh Arora, for the petitioner.
Shri S.N. Tiwari, Public Prosecutor.

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This is a revision petition against the order dated 16.10.2006 of the Addl. Sessions Judge (Fast Track) NO.1, Bhilwara framing charges against the petitioners under Sections 147, 148, 323, 323/149, 324, 324/149, 325, 325/149, 307 and 307/149 IPC.

Heard learned counsel for the petitioners and learned Public Prosecutor.

The limited submission of the learned counsel for the petitioners is that no case is made out against the petitioners under Section 307 and 307/149 IPC and, therefore, the order framing charges against the petitioners under Section 307 and 307/149 IPC is bad in law.

There are two injured persons Giriraj and Murlidhar. Learned Public Prosecutor admits that all the injuries caused to the injured Giriraj are simple in nature. It is also admitted that

injuries caused to the injured Murlidhar are simple except the injury caused on his right forearm by blunt weapon which has been found to be grievous after X ray. There is no intention on the part of the petitioners to cause death of any person. After hearing the rival submissions and after considering all the facts and circumstances of the case I am of the opinion that there is no sufficient ground to frame charges under Sections 307 and 307/149 IPC against the petitioners.

The revision petition is, therefore, partly allowed, the order of the learned court below to frame charges under Section 307 and 307/149 IPC is set aside and the rest of the order is maintained.

(G.S. SARRAF), J.

cpgoyal/-